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**Pro Hac Vice*

Attorneys for Plaintiffs and the Classes

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RACHAEL NAVARRO, individually and on behalf of all others similarly situated.

Plaintiff.

V

JUSTFAB, LLC d/b/a JUSTFAB, a Delaware limited liability company.

Defendant.

Case No. 2:21-cv-01002-JAM-DMC

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 41, Plaintiff Rachael Navarro dismisses this lawsuit against Defendant JustFab, LLC d/b/a JustFab without prejudice.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

1 **(1) By the Plaintiff.**

2 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and
3 any applicable federal statute, the plaintiff may dismiss an action without a
4 court order by filing:

5 (i) a notice of dismissal before the opposing party serves either an
6 answer or a motion for summary judgment; or

7 (ii) a stipulation of dismissal signed by all parties who have appeared.

8 (B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is
9 without prejudice. But if the plaintiff previously dismissed any federal- or
10 state-court action based on or including the same claim, a notice of dismissal
11 operates as an adjudication on the merits.

12 In this case, Defendant has neither answered Plaintiff's Complaint nor served
13 a motion for summary judgment. In addition, because no class has been certified in
14 this matter, the exceptions specified in Rule 23 exceptions do not apply. Likewise,
15 this case does not involve any Receiver so as to implicate Rule 66.

16 Accordingly, Plaintiff hereby dismisses these proceedings without prejudice
17 in accordance with Rule 41(a)(1)(i). The claims of the unidentified putative class
18 members, if any, are also dismissed without prejudice.

19 Respectfully submitted,

20 Dated: December 27, 2021

21 **RACHAEL NAVARRO**, individually and
22 on behalf of all others similarly situated,

23 By: /s/ Stephen A. Klein
24 One of Plaintiff's Attorneys

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*Counsel for Plaintiff and the Putative Class
Admitted pro hac vice

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2021, a true and correct copy of the above papers was served upon counsel of record by filing such papers via the Court's CM/ECF system.

/s/ *Stephen A. Klein*